



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Nafie et al.

Attorney Docket No.: TI-30633

Serial No.: 09/737,070

Examiner: Vartanian, Harry

Filed: December 14, 2000

Art Unit: 2634

For: **BLOCK LEVEL SPACE TIME TRANSMIT DIVERSITY IN WIRELESS  
COMMUNICATION**

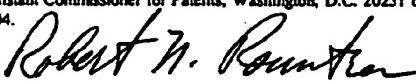
**PETITION UNDER 37 C.F.R. § 1.78(a)(3)**

July 26, 2004

Honorable Commissioner of  
Patents and Trademarks

Washington, D.C. 20231

MAILING CERTIFICATE UNDER 37 C.F.R. §1.8(A)  
I hereby certify that the above correspondence is being deposited with the  
U.S. Postal Service as First Class Mail in an envelope addressed to:  
Assistant Commissioner for Patents, Washington, D.C. 20231 on July 26,  
2004.

  
Robert N. Rountree, Reg. No. 39,347

1. U.S. Patent Application Ser. No. 09/737,070, filed 12/14/2000, has been amended to claim priority to copending nonprovisional U.S. Patent Application Ser. No. 09/224,401, filed 12/31/1998, under 35 U.S.C. 120.
2. The amendment to claim priority was made after the due date specified under 35 C.F.R. § 1.78(a)(2)(ii) of the later of four months after 12/14/2000 and sixteen months after 12/31/1998.
3. The amendment was necessitated by examiner's broad interpretation of claims in U.S. Patent Application Ser. No. 09/737,070 in an Office Action dated 3/4/2004.

09/03/2004 AKELLEY 00000001 200668 09737070

01 FC:1454 1330.00 DA

4. A copy of U.S. Patent Application Ser. No. 09/224,401 is included as specified by 37 C.F.R. § 1.78(a)(3)(i).

5. Please charge Deposit Account No. 20-0668 the necessary fee under 37 C.F.R. § 1.17(t) as specified by 37 C.F.R. § 1.78(a)(3)(ii).

6. The entire delay between the date the claim was due under paragraph 37 C.F.R. § 1.78(a)(2)(ii) and the date the claim was filed was unintentional as required by 37 C.F.R. § 1.78(a)(3)(iii).

Respectfully submitted,



Robert N. Rountree  
Attorney for Applicants  
Reg. No. 39,347

Robert N. Rountree, LLC  
70360 Highway 69  
Cotopaxi, CO 81223  
Phone/Fax: (719) 783-0990